



Epstein Drangel LLP

60 East 42nd Street, Suite 2520, New York, NY 10165

T: 212.292.5390 • E: mail@ipcounselors.com

www.ipcounselors.com

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MEMORANDUM ENDORSED

VIA ECF

Hon. Gregory H. Woods
United States District Judge
Thurgood Marshall
United States Courthouse
500 Pearl St.
New York, NY 10007

Re: *Smart Study Co., Ltd. v. Acuteye-US, et al*
Civil Case No. 21-cv-5860
Letter Request for Extension of Deadline to File Default Judgment Motion

Dear Judge Woods,

We represent Plaintiff Smart Study Co., Ltd. (“Plaintiff”), in the above-referenced matter (the “Action”).¹ On November 22, 2021 the Court held a conference and subsequently entered an order on the same day directing Plaintiff to file its order to show cause as to why a default judgment should not be entered (“Default Judgment Motion”) by no later than December 27, 2021. (Dkt. 48). Earlier today at a hearing on Defendant YLILILY’s motion to dismiss and Topivot’s motion to dissolve the preliminary injunction order, the Court posed a question regarding Article 15 of the Hague Convention and its application with respect to entering default judgment against Defendants. At this time, Plaintiff respectfully requests a short extension of time to file Default Judgment Motion against the remaining Defendants so that it can adequately research and address the effect of Article 15 of the Hague Convention, if any, on this Court’s ability to enter a Judgment against Defendants in its Default Judgment Motion. In accordance with Your Honor’s Individual Rules of Practice, Plaintiff submits the following:

1. **Original Deadline:** December 27, 2021
2. **The number of previous requests for adjournment:** None, this is the first request for an extension of time to file its Default Judgment Motion.
3. **The reason for the current request:** Plaintiff respectfully requests an extension of time so that it can adequately research and address Article 15 of the Hague Convention in its Default Judgment Motion.
4. **Whether the adversary consents:** All of the Defendants remaining in this action (other than Defendants YLILILY and Topivot) are currently in default, thus Plaintiff did not seek their consent.
5. **Proposed alternative dates:** Plaintiff respectfully proposes filing its Default Judgment Motion by no later than January 14, 2021.

¹ Where a defined term is referenced herein but not defined, it should be understood as it is defined in the Glossary in Plaintiff’s Complaint or Application.

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We thank the Court for its time and attention to this matter.

Respectfully submitted,

EPSTEIN DRANGEL LLP

BY: /s/ Danielle S. Futterman
Danielle S. Futterman (DY4228)
dfutterman@ipcounselors.com
60 East 42nd Street, Suite 2520
New York, NY 10165
Telephone: (212) 292-5390
Facsimile: (212) 292-5391
Attorneys for Plaintiff

Application granted in part. There is no deadline for the submission of an application for default judgment. The Court has not ordered that Plaintiff pursue default judgment in this case. That is a decision for Plaintiff. However, the Court expects that any application for an order to show cause regarding default judgment will be filed by February 11, 2022. If no application for such an order is submitted by that date, the Court may dismiss pending claims for failure to prosecute.

Plaintiffs are directed to serve this order on all Defendants and to file proof of service.

SO ORDERED.

Dated: December 23, 2021



GREGORY H. WOODS
United States District Judge